
HOUSE BILL No. 1490

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-86.5; IC 13-17-3-16.

Synopsis: Fugitive dust. Defines "fugitive dust". Provides that a violation of an environmental law concerning fugitive dust that: (1) may be proved by the department of environmental management only by using visual evidence; (2) has not been recorded, measured, or documented by the department using any other means; and (3) is not a condition that is considered an exception to the fugitive dust emissions rule is considered to be a minor violation. Requires a person that commits more than: (1) two violations of a fugitive dust law in a calendar month; or (2) four violations of a fugitive dust law in a calendar year; to develop and implement a formal written fugitive dust plan to prevent and minimize future fugitive dust events.

Effective: July 1, 2001.

Wolkins, Ruppel

January 11, 2001, read first time and referred to Committee on Environmental Affairs.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1490

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-86.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 86.5. "Fugitive dust", for**
4 **purposes of IC 13-17-3-16, means particulate matter that escapes**
5 **beyond the property line or boundary of the property,**
6 **right-of-way, or easement on which the source of the particulate**
7 **matter is located.**

8 SECTION 2. IC 13-17-3-16 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2001]: **Sec. 16. (a) Except as otherwise provided in this section,**
11 **if a violation of an environmental law concerning fugitive dust:**

12 (1) **may be proved by the department only by using visual**
13 **evidence;**
14 (2) **has not been recorded, measured, or documented by the**
15 **department using any other means; and**
16 (3) **is not a condition that is considered an exception to the**
17 **fugitive dust emissions rule under 326 IAC 6-4-6;**



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1 the violation shall be considered to be a minor violation under
2 IC 13-30-7.

3 (b) If a person that commits a violation of an environmental law
4 concerning fugitive dust as described in subsection (a) has
5 committed more than:

6 (1) two (2) violations of the law in a calendar month; or

7 (2) four (4) violations of the law in a calendar year;

8 the person shall develop and implement a formal written fugitive
9 dust plan.

10 (c) A formal written fugitive dust plan described in subsection
11 (b) must:

12 (1) be developed and implemented not more than sixty (60)
13 days after the date the person committed the violation that

14 required the person to develop and implement the plan; and

15 (2) outline specific management practices that the person shall
16 employ to prevent and minimize future fugitive dust events.

17 (d) Notwithstanding subsection (a), a person that fails to
18 implement a plan required under subsection (b) shall be considered
19 to have committed a violation that is subject to any appropriate
20 department enforcement action.

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